

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 9, 10, 26, 27, 29, 30, and 41-46 are pending in the application, with claims 9, 26, 27, and 29 being the independent claims. Claims 9, 10, 26, 27, 29, and 30 are sought to be amended. Applicants reserve the right to prosecute similar or broader claims, with respect to the amended claims, in the future. New claims 41-46 are sought to be added. These changes are believed to introduce no new matter, and their entry is respectfully requested.

With respect to this Application, Applicants hereby rescind any disclaimer of claim scope made in the parent application or any predecessor or related application. The Examiner is advised that any previous disclaimer of claim scope, if any, and the references that it was made to allegedly avoid, may need to be revisited. Nor should any previous disclaimer of claim scope, if any, in this Application be read back into any predecessor or related application.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 102

Claims 9, 10, and 26

Claims 9, 10, and 26 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by United States Patent No. 5,963,556 to Varghese (herein "Varghese").

Applicants respectfully traverse the rejection and provide the following arguments to support patentability.

For a rejection to be sufficient under 35 U.S.C. § 102, "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P. § 2131. The absence of any claimed element from the reference negates anticipation. Atlas Powder Co. v. E.I. du Pont de Nemours & Co., 750 F.2d 1569, 1574 (Fed. Cir. 1984). Without acquiescing to the merits of the rejection, Applicants have amended independent claim 9 to recite at least the feature of "*listening at a previously inactive repeater to messages transmitted over the network for the heartbeat message identifying the switch when the previously inactive repeater is activated.*" Varghese does not teach or suggest at least this aforementioned feature of independent claim 9. Consequently, Varghese cannot anticipate independent claim 9, as amended.

Specifically, Varghese discloses using state machines "to set up a transport connection on each link between a client and a server." Varghese, 13:22-23. The server of Varghese "sends a server hello periodically to the client." Varghese, 13:38-39. "All hellos sent by the server list the Vlan Id and type of all Vlans known to the server." Varghese, 13:39-40. As shown in FIG. 7A of Varghese, the client may be in either a REQ state or an ON state. If the client receives a RequestHello while in the REQ state, the client transitions to the ON state and sends back an OnHello. *See*, Varghese, 13:44-46. The server then changes the state of the link to the ON state to set up the connection. *See*, Varghese, 13:62-67. According to Varghese,

[i]f the client crashes and comes up, the client starts the link in REQ state. However, the client will not leave REQ state until the server sends an

OnHello to the client and the client responds with a RequestHello. Receipt of the RequestHello causes the server to go into REQ state and restart the connection. This is important because when the client crashed it may have lost all previous updates; thus it must force the server to send it all updates by restarting the connection.

Varghese, 14: 22:29.

Varghese, therefore, discloses methods for setting up connections between a sever and an active client, *i.e.*, an existing or previously known client.

Independent claim 9, on the other hand, discloses a method to discover a new repeater, *i.e.*, a previously inactive repeater, entering into a network. Nowhere does Varghese teach or suggest "*listening at a **previously inactive repeater** to messages transmitted over the network for the heartbeat message identifying the switch when the **previously inactive repeater** is activated*" as recited in independent claim 9. In other words, Varghese does not teach or suggest procedures to discover a previously inactive repeater entering into the network as recited by independent claim 9, rather Varghese at most teaches or suggests procedures for reestablishing a link when an *active* repeater, *i.e.*, an existing or previously known repeater, loses the connection with the server or "crashes."

For at least the above reasons, Varghese does not teach each and every feature of independent claim 9, as amended, and therefore does not meet the requirements of anticipation. Dependent claim 10 is likewise not anticipated by Varghese for the same reasons as independent claim 9 from which it respectively depends and further in view of its own respective features. Accordingly, Applicants respectfully request that the rejection of claims 9 and 10 under 35 U.S.C. § 102(e) be reconsidered and withdrawn.

Varghese also does not teach or suggest each and every feature of independent claim 26. More specifically, Varghese does not teach or suggest at least the feature of "*determining at a repeater that a connection between the repeater and a switch is down based on at least one of a group consisting of a heartbeat, a beacon, and data messages received from the switch*" as recited by claim 26. Consequently, Varghese cannot anticipate claim 26.

As previously discussed above, Varghese teaches a normal mode of operation, where "once both client and server have turned a link ON, the server periodically sends hellos to the client and the client responds with a hello." Varghese, 14:9-11. According to Varghese, a status of the client and/or the server can change to reflect whether the client and/or server is up or down. *See*, Varghese, 5:40-43. For example, "if the **client does not hear a hello** from the server for a timeout period, the client transitions the link" to the REQ state. Varghese, 14:11-13 (emphasis added). Therefore, Varghese at most teaches or suggests that the client transitions the link based upon the non-occurrence of an event, namely, not hearing a hello from the server for a timeout period.

Independent claim 26, however, recites a method of reestablishing a connection of a repeater in a network based on an affirmative signal from a switch. More specifically, independent claim 26 recites at least the feature of "*determining at a repeater that a connection between the repeater and a switch is down **based on** at least one of a group consisting of a heartbeat, a beacon, and data messages **received from the switch.***" independent claim 26 (emphasis added). The transitioning of the link based upon the non-occurrence of an event, namely, not hearing a hello from the server for a timeout period as taught or suggested by Varghese does not teach or suggest

transitioning of the link based on an *affirmative signal* from the switch as recited by independent claim 26. Consequently, Varghese cannot anticipate independent claim 26. Accordingly, Applicants respectfully request that the rejection of independent claim 26 under 35 U.S.C. § 102(e) be reconsidered and withdrawn.

Rejections under 35 U.S.C. § 103

Claim 27

Independent claim 27 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Varghese in view of United States Patent No. 6,307,837 to Ichikawa et al. (herein "Ichikawa"). Applicants respectfully traverse the rejection and provide the following arguments to support patentability.

Varghese does not teach or suggest each and every feature of independent claim 27. As previously discussed above, Varghese does not teach or suggest transitioning of the link based on an *affirmative signal* from the switch as recited by independent claim 26. This feature is similarly recited in independent claim 27. More specifically, Varghese does not teach or suggest at least the feature of "*determining, at a repeater, that a connection between the repeater and a switch is down based on at least one of group consisting of a heartbeat, a beacon, and data messages received from the switch*" as recited by independent claim 27.

Ichikawa discloses "a packet transfer method for a connection-less type data communication in a network." Ichikawa, 1:9-11. Ichikawa does not overcome the deficiencies of Varghese nor does the Office Action dated November 12, 2008 (herein "Office Action") so allege.

Therefore, the combination of Varghese and Ichikawa does not render independent claim 27 obvious. Accordingly, Applicants respectfully request that the rejection of independent claim 27 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

Claims 29 and 30

Independent claim 29 and 30 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Varghese in view of United States Patent No. 6,091,717 to Honkasalo et al. (herein "Honkasalo"). Applicants respectfully traverse the rejection and provide the following arguments to support patentability.

For substantially the same reasons as discussed above with respect to independent claim 26, Varghese does not teach or suggest at least the features of "*determining, at a switch based on responses received from a first repeater, that a connection between the switch and the first repeater is down*" as recited by independent claim 29.

Honkasalo discloses "a method of scheduling packet data transmission for a connection-less packet service." Honkasalo, 1:7-9. Honkasalo does not overcome the deficiencies of Varghese nor does the Office Action so allege.

Therefore, the combination of Varghese and Honkasalo does not render independent claim 29 obvious. Dependent claim 30 is likewise not rendered obvious by the combination of Varghese and Honkasalo for the same reasons as independent claim 29 from which it respectively depends and further in view of its own respective features. Accordingly, Applicants respectfully request that the rejection of claims 29 and 30 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

New Claims

Claims 41-46

New claims 41-46 have been added. Support for newly added claims 41-46 may be found at ¶¶ [00224] - [00231], as well as elsewhere, in the Specification as filed on September 12, 2003. From the discussion above, Applicants have traversed the rejections to independent claims 9, 26, and 29. Dependent claims 41-46 are likewise allowable for the same reasons as the independent claims from which they respectively depend and further in view of their own respective features.

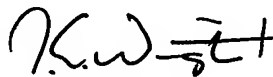
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Jon E. Wright
Attorney for Applicants
Registration No. 50,720

Date: 5/11/2009

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600
936570_3.DOC